

## **Open letter to the Board of Governors**

1/18/19

We, the undersigned staff of WSBA, are writing to share our concerns with recent events and actions/inactions taken by the board. Since the public release in December of information relating to allegations of a board member's misconduct, many of us are uncomfortable and upset at work and some even question our level of safety and protection in our work environment.

We have read the news report and the investigation reports and while we know we may not have all the information, it appears to us that the board has failed to hold itself accountable.

From our perspective, a colleague disclosed an allegation of harassment by a board member and the board's response to that disclosure resulted in a process that lacked proper oversight, transparency, and consideration of our colleague's safety and well-being. Our colleague's accusation was subject to an independent investigation. The third-party investigator found our colleague's account of events to be credible. Even after receiving this report, the board chose not to remove or even censure the accused board member. Not only did this board fail to remove or censure the accused, the board promoted him to the position of treasurer, effectively rewarding the accused with an even more powerful position with more direct access to staff members.

This board has failed to exhibit courageous leadership. Promoting a board member accused of such behavior to a more prestigious position without an appropriate process, sends a stark message to staff that we are not valued or respected. This behavior demonstrates to staff that the board is not interested in holding itself accountable and not concerned with the many conflicts of interest. This board's actions have a chilling effect on staff's willingness to report problematic issues in the future. Employee morale is low and many of us are struggling to manage the reminders of our past experiences and the experience of living through this current situation. We should not be subject to such traumatization and retraumatization at work, particularly from the very body entrusted to champion justice and uphold the ethical practice of law.

Your processes are inadequate for managing these situations and the board refuses to hold itself accountable and fails to recognize its own conflicts of interest. The current attempt to shift litigation oversight from the general counsel to the board gives the impression of self-dealing, protectionism, and an enormous conflict of interest. This board's lack of transparency just further evidences the lack of accountability and responsibility.

We ask that you review your policies and create institutionalized systems for properly handling similar situations—including clear processes for when removal of a governor or volunteer is appropriate. We ask that you create policies that have clear expectations of behavior and how to proceed when complaints are raised, including the expected recusal of parties with a conflict of interest. We ask that you hold yourselves accountable for your mismanagement of this process. We further ask that you revisit this situation with a proper procedure in place.

Signed,

Robin Nussbaum  
Dana Barnett  
Paige Hardy  
Bonnie Sterken  
Laura Sanford  
Colin Rigley  
Dan Crystal  
Joy Williams  
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